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# NOTICE OF ALLOWANCE AND FEE(S) DUE

20999

7590

10/08/2008

FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151 EXAMINER

WONG, LESLIE A

ART UNIT PAPER NUMBER

DATE MAILED: 10/08/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750.990	12/28/2000	Jorn Borch Soe	674509-2028	9458

TITLE OF INVENTION: FOODSTUFF

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	01/08/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

#### HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

## PART B - FEE(S) TRANSMITTAL

## Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

or <u>Fax</u> (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where

appropriate. All further of indicated unless corrected maintenance fee notificated.	correspondence including d below or directed other tions.	g the Patent, advance of terwise in Block 1, by (a	rders and notification of r a) specifying a new corre	maintenance fees wi spondence address;	ll be r and/or	nailed to the current (b) indicating a sepa	correspondence address as rate "FEE ADDRESS" for	
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							(Depositor's name)	
							(Signature)	
							(Date)	
APPLICATION NO.	FILING DATE		FIRST NAMED INVENTOR		ATTO	RNEY DOCKET NO.	CONFIRMATION NO.	
09/750,990	12/28/2000	<u> </u>	Jorn Borch Soe	<u>l</u>	(	674509-2028	9458	
FITLE OF INVENTION:								
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nonprovisional	NO	\$1510	\$300	\$0	•	\$1810	01/08/2009	
EXAM	INER	ART UNIT	CLASS-SUBCLASS	1				
WONG, L	ESLIE A	1794	426-033000	<b>.</b>				
1. Change of corresponde	ence address or indication	n of "Fee Address" (37	2. For printing on the p	patent front page, list				
CFR 1.363).  Change of correspo	ondence address (or Cha	nge of Correspondence	(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,					
☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.			(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to					
"Fee Address" indi PTO/SB/47; Rev 03-0 Number is required.	ication (or "Fee Address' 2 or more recent) attach	' Indication form ed. Use of a Customer	2 registered attorney or a 2 registered patent attorney listed, no name will be	orneys or agents. If n	s of up o name	o to e is 3		
			THE PATENT (print or ty	. /				
PLEASE NOTE: Unle recordation as set forth	ess an assignee is identi n in 37 CFR 3.11. Comm	fied below, no assignee bletion of this form is NO	data will appear on the p T a substitute for filing an	atent. If an assigned	e is id	entified below, the do	ocument has been filed for	
(A) NAME OF ASSIC	•		(B) RESIDENCE: (CITY		DUNT.	RY)		
				. –				
Please check the appropri	ate assignee category or	categories (will not be pr	rinted on the patent):	Individual 🖵 Cor	poratio	on or other private gro	up entity 🔲 Government	
4a. The following fee(s) a	are submitted:	41	b. Payment of Fee(s): (Plea	ase first reapply any	previ	iously paid issue fee	shown above)	
☐ Issue Fee		IV	A check is enclosed.	1 E PEO 2020				
☐ Publication Fee (No small entity discount permitted) ☐ Advance Order - # of Copies			☐ Payment by credit card. Form PTO-2038 is attached. ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any					
- Advance Order	or copies		overpayment, to Depo	osit Account Number		(enclose a	extra copy of this form).	
<ol> <li>Change in Entity Stat</li> <li>a. Applicant claims</li> </ol>	t <b>us</b> (from status indicated s SMALL ENTITY statu	,	☐ b. Applicant is no lon	ger claiming SMALl	L ENT	TTY status. See 37 CF	FR 1.27(g)(2).	
NOTE: The Issue Fee and	d Publication Fee (if requestred Sta	ired) will not be accepted	d from anyone other than t	the applicant; a regist	tered a	ttorney or agent; or th	e assignee or other party in	
interest as shown by the r	ecords of the office sta	tes i dent due i i decinari	Comec.					
Authorized Signature				Date				
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09/750,990	12/28/2000	Jorn Borch Soe	674509-2028 9458			
20999 75	590 10/08/2008		EXAMINER			
FROMMER LAY	WRENCE & HAUG	WONG, LESLIE A				
745 FIFTH AVENUE- 10TH FL.			ART UNIT	PAPER NUMBER		
NEW YORK, NY 10151			1794			
			DATE MAILED: 10/08/2008			

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

	Application No.	Applicant(s)	
	09/750,990	SOE, JORN BORCH	
Notice of Allowability	Examiner	Art Unit	
	Leslie Wona	1794	
The MAILING DATE of this communication apperall claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RI of the Office or upon petition by the applicant. See 37 CFR 1.313  1.	(OR REMAINS) CLOSED in or other appropriate communication is seed and MPEP 1308.  Seed 30, 2008.  Seed 30, 200	this application. If not included inication will be mailed in due course. Tubject to withdrawal from issue at the interpretation of	the
INFORMAL PATENT APPLICATION (PTO-152) which give  5. CORRECTED DRAWINGS ( as "replacement sheets") mus  (a) including changes required by the Notice of Draftspers  1) hereto or 2) to Paper No./Mail Date  (b) including changes required by the attached Examiner's Paper No./Mail Date  Paper No./Mail Date  Identifying indicia such as the application number (see 37 CFR 1. each sheet. Replacement sheet(s) should be labeled as such in the deposattached Examiner's comment regarding REQUIREMENT I	st be submitted. son's Patent Drawing Review s Amendment / Comment or 84(c)) should be written on the header according to 37 CF sit of BIOLOGICAL MATE	in the Office action of the drawings in the front (not the back) of R 1.121(d).  ERIAL must be submitted. Note the	
Attachment(s)  1. ☐ Notice of References Cited (PTO-892)  2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  3. ☑ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date 2/6/04, 2/15/07,2/16/07,10/18/07  4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material	6. ☐ Interview S Paper No./ 7. ☐ Examiner's	Formal Patent Application  Immary (PTO-413),  Mail Date  Amendment/Comment  Statement of Reasons for Allowance	



Application No.

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## **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance: A method for preparing a foodstuff comprising contacting a food material containing a fatty acid ester and glycerol with an enzyme having esterase activity, wherein a first emulsifier is generated by the enzyme from the fatty acid ester and a second emulsifier is generated by the enzyme from the glycerol is not taught nor fairly suggested by the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### Information Disclosure Statement

The following is a quotation of 37 C.F.R. 1.56 which forms the basis of the duty to disclose information material to patentability:

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim

issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by § § 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct.

Applicant is reminded that they have a duty to disclose information that is material to patentability. The information disclosure statement is not intended to be a reference library of all the information that may pertain to the art disclosed in the patent. Only references that are material to the patentability of the claims are to be listed in the information disclosure statement. A listing of approximately 1000 references is evidence that the applicant has performed a generic search in the required art; however, such a search may also be evidence that applicant has not performed a search for references that are specifically material to the patentability of each pending claim.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie Wong whose telephone number is (571)272-1411. The examiner can normally be reached on Tuesday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 09/750,990 Page 4

Art Unit: 1794

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Leslie Wong/ Primary Examiner, Art Unit 1794

LAW October 1, 2008